

REMARKS

In the Office Action, claims 1-39 were rejected, and claim 29 was objected to. By the present Response, claim 29 is amended to correct its dependency. Upon entry of the amendment, claims 1-39 will remain pending in the present patent application. All of the claims are believed to be in condition for allowance for the reasons set forth below. Reconsideration and allowance of all pending claims are requested.

Claim Objections

As noted above, claim 29 was objected to due to an erroneous dependency. This dependency has been corrected by amendment and is consistent with the Examiner's analysis summarized in the objection.

Rejections Under 35 U.S.C. § 103

Claims 1-39 were rejected as obvious over U.S. Patent No. 6,070,149, issued to Tavor et al. (hereinafter "Tavor") in view of U.S. Patent No. 5,224,177 issued to Doi et al. (hereinafter "Doi"). Applicant respectfully traverses the rejections for the reasons summarized below.

Claim 1 and the claims depending therefrom

Claim 1 and its dependent claims are believed to be clearly allowable over the combination cited by the Examiner. In particular, the Examiner has not established a *prima facie* case of obviousness because the references do not disclose the subject matter recited in the claims, contrary to the analysis of the Examiner, and because the references provide no motivation or suggestion whatsoever for the proposed combination.

Tavor fails to disclose or suggest any information relating to radiological viewing stations or their configuration.

In the Examiner's analysis of claim 1, the Examiner indicated that Tavor describes a comparison program that compares a completed query page to "a predicted response corresponding to a radiological viewing station configuration." The Examiner on this point cites a passage from column 7, lines 17-33 of Tavor. The passage in question reads:

"Equate" (block 44) allows use of any of the logical operators {and, or, =} and the arithmetical operators of comparison {=, =, <, >, <=, >=}. "Equate" (block 44) is a recursive routine formally defined as follows: Equate (Part1) and Part2): Equate(Part1)
Equate(Part2)

The rule is considered proven if the invocation of "Equate" (block 44) both on Part1 and Part2 returns TRUE.

Equate (Part1 or Part2): Equate (Part1) Equate (Part2)

Now the rule is considered proven if either the invocation of "Equate" (block 44) on Part1 returns TRUE or the invocation of "Equate" (block 44) on Part2 returns TRUE.

For any other operator--Equate(X) (see "Equate" block 44) compares the pattern of the condition to the already known information. It returns TRUE if the right side of the condition is present in the stack of known information. Otherwise, it fails.

Clearly, the passage bears no relationship whatsoever to radiological viewing station configurations, or the selection of radiological viewing stations or of any similar equipment. The information provided and stored for the particular query pages, the particular comparisons, and the particular predicted responses recited in claim 1 are unique and special when dealing with recommendations of radiological viewing stations. Neither the cited passage nor the remainder of the Tavor reference simply does not support the position set forth by the Examiner on this point.

The Tavor “multimedia reference” bears no relationship to a radiological viewing station.

The Examiner, in rejecting claim 1 and in rejecting subsequent claims, as noted below, appears repeatedly to equate a “multimedia reference” referred to in Tavor to a radiological viewing station. In particular, the Examiner cites a passage of Tavor at column 8, lines 66-67. The passage reads simply:

In addition, a multimedia reference can be represented to the user. The reference is a picture in an HTML accepted format to be used in the “Shopping Smart” function icon (optional-See “Shopping Smart” section below).

The multimedia reference referred to in Tavor is believed to relate to the presentation of the information in the “E-Shop” process described by Tavor. This multimedia reference is presented to the user for the purpose of shopping online. The multimedia reference does not, however, relate in any way to a radiological viewing station. Accordingly, any analogy drawn by the Examiner between the multimedia reference of Tavor and the radiological viewing stations which are the subject of stored information, query pages, predicted responses, comparisons, and recommendations recited in claim 1 is simply ill-founded.

Doi fails to provide any information regarding recommendation of radiological viewing stations that could obviate the deficiencies of Tavor.

The Examiner recognizes shortcomings of Tavor. Importantly, however, the Examiner formulates the shortcomings in an erroneous manner. Specifically, the Examiner indicates that Tavor does not specifically disclose that a viewing station is a radiological viewing station or radiological viewing workstation enabling an operator to perform certain functions recited in claim 1. Indeed, Tavor does not mention recommendation of a viewing station at all. If any viewing stations are provided in Tavor, they are simply the computers used by users to shop online. No

configuration or recommendation whatsoever is made of a radiological viewing station, or any other viewing station for that matter.

To obviate the deficiencies of Tavor, the Examiner relies upon Doi. The Examiner's analysis of Doi is, however, flawed. Specifically, the Examiner suggests that Doi proposes a query page that establishes whether a first radiological viewing station is to be recommended or a second radiological viewing station is to be recommended. The Examiner specifically relies upon two passages from Doi, found at column 2, lines 57-59, and col. 3, lines 59-65. The two passages read as follows:

FIG. 12 is a graph illustrating noise Wiener spectra of the present duplication system, computer radiography system, and conventional screen-film system . . ."

...

According to the present invention, the nonlinear relationship (i.e., mapping function provided by look-up-tables) between pixel values of an improperly exposed image and those of a properly exposed image are determined. FIG. 3 illustrates how, according to the present invention the look-up-table for density correction of an improperly exposed image is determined.

Clearly, neither these passages nor anything else in Doi relates to recommendation of a radiological viewing station. Indeed, the Applicant is at a loss to demonstrate to the Examiner exactly how the reference does not relate to such recommendations, in view of the fact that nothing in the reference whatsoever supports the position. In short, Doi is not concerned with selecting or recommending viewing stations, but rather, only incidentally even mentions stations for performing medical image analysis.

The Examiner has failed to identify a reasonable suggestion or motivation to combine Tavor and Doi, or any indication of how such a combination would function successfully.

Finally, the Examiner concludes the rejection of claim 1 by stating that the references could be combined “with the motivation of recommending the most appropriate view.” Even if the systems could be combined, which the Examiner has not demonstrated, this motivation is wholly without merit. That is, the purpose and function of the invention recited in claim 1 has nothing whatsoever to do with recommending an appropriate view. The user of the computer system of claim 1 is not presented with recommended views. Rather, the system is adapted for recommending radiological viewing stations based upon the query page, predicted responses, and so forth recited in the claim.

Accordingly, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with regards to claim 1. The claims depending from claim 1 are believed to be equally patentable both for the subject matter they separately recite, as well as for their dependency from an allowable base claim.

Challenge to Official Notice

Applicant notes that the Examiner, with regards to a number of the claims and rejections, has taken Official Notice of what is said to be old and well-known in the art of radiological viewing stations. The Applicant respectfully traverses and challenges the Examiner’s use of Official Notice, and in accordance with MPEP §2133.04 requests that the Examiner provide evidence of the well-known nature of these recitations. In particular, the Applicant requests that the Examiner provide not only evidence that features and types of radiological images are known, but that the use of a recommendation system such as recited in the independent claims would have been known or useful in combination with the other features of the independent claims and any intervening claims.

Claim 19 and the claims depending therefrom

Claim 19 was rejected on the same grounds as claim 1. The rejection formulated by the Examiner is essentially identical to that of claim 1 inasmuch as it relates to a purported analogy between a “multimedia reference” in Tavor and radiological viewing station. Moreover the Examiner’s proposed motivation to combine the references is simply for “viewing radiological images.”

Here again, however, the examiner has failed to establish a *prima facie* case of obviousness for the same reasons as summarized above, which arguments are incorporated here by reference. Further, again with respect to claim 19, the Examiner has failed to advance any cogent line of reasoning as to how and why the imagine technique of Doi could possibly be combined with the online shopping system of Tavor to arrive at the claimed invention. In particular, radiological images have been viewed for years without the system of claim 19. There would be no reason whatsoever to modify the technique of Tavor by any reference to Doi for that purpose.

Claim 19 is therefore believed to be clearly patentable over the proposed combination. The claims depending from claim 19 are believed to be equally patentable both for the subject matter they separately recite, as well as for their dependency from an allowable base claim.

Claim 30 and the claims depending therefrom

Claim 30 was rejected on the same grounds as claims 1 and 19. Here again, the rejection formulated by the Examiner is essentially identical to that of the preceding independent claims inasmuch as it relates to a purported analogy between a “multimedia reference” in Tavor and radiological viewing station. Moreover the

Examiner's proposed motivation to combine the references is identical to that advanced with respect to claim 19.

The rejection of claim 30 fails to establish a *prima facie* case of obviousness for the same reasons as discussed above with respect to claims 1 and 19, which arguments are incorporated here by reference. Further, again with respect to claim 30, the Examiner has failed to advance any cogent line of reasoning as to how and why the imagine technique of Doi could possibly be combined with the online shopping system of Tavor to arrive at the claimed invention. The claims depending from claim 30 are believed to be equally patentable both for the subject matter they separately recite, as well as for their dependency from an allowable base claim.

Claim 35 and the claims depending therefrom

Claim 35 is a method claim reciting steps for utilizing a computer system to configure a recommended radiological viewing station from among a plurality of radiological viewing stations, components and software. The rejection of claim 35 is identical to that discussed above inasmuch as it relates to a purported analogy between a "multimedia reference" in Tavor and radiological viewing station. Moreover the Examiner's proposed motivation to combine the references is identical to that advanced with respect to independent claims 19 and 30 discussed above.

The rejection fails for the same reasons, which are incorporated here by reference. For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness of claim 35. Claim 35 and its dependent claims are therefore believed to be in condition for allowance.

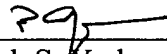
Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that

a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 2/17/2005



Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545